

111TH CONGRESS  
2D SESSION

# S. 4035

To amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2010

Mr. REED (for himself and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Community-Based  
5       Mental Health Infrastructure Improvements Act”.

1 **SEC. 2. COMMUNITY-BASED MENTAL HEALTH INFRASTRUC-**  
 2 **TURE IMPROVEMENT.**

3 Title V of the Public Health Service Act (42 U.S.C.  
 4 280g et seq.) is amended by adding at the end the fol-  
 5 lowing:

6 **“PART H—COMMUNITY-BASED MENTAL HEALTH**  
 7 **INFRASTRUCTURE IMPROVEMENTS**

8 **“SEC. 560. GRANTS FOR COMMUNITY-BASED MENTAL**  
 9 **HEALTH INFRASTRUCTURE IMPROVEMENTS.**

10 “(a) GRANTS AUTHORIZED.—The Secretary may  
 11 award grants to eligible entities to expend funds for the  
 12 construction or modernization of facilities used to provide  
 13 mental health and substance abuse services to individuals.

14 “(b) ELIGIBLE ENTITY.—In this section, the term  
 15 ‘eligible entity’ means—

16 “(1) a State that is the recipient of a Commu-  
 17 nity Mental Health Services Block Grant under sub-  
 18 part I of part B of title XIX and a Substance Abuse  
 19 Prevention and Treatment Block Grant under sub-  
 20 part II of such part; or

21 “(2) an Indian tribe or a tribal organization (as  
 22 such terms are defined in sections 4(b) and 4(c) of  
 23 the Indian Self-Determination and Education Assist-  
 24 ance Act).

1       “(c) APPLICATION.—A eligible entity desiring a grant  
2 under this section shall submit to the Secretary an appli-  
3 cation at such time, in such manner, and containing—

4               “(1) a plan for the construction or moderniza-  
5 tion of facilities used to provide mental health and  
6 substance abuse services to individuals that—

7                       “(A) designates a single State or tribal  
8 agency as the sole agency for the supervision  
9 and administration of the grant;

10                      “(B) contains satisfactory evidence that  
11 such agency so designated will have the author-  
12 ity to carry out the plan;

13                      “(C) provides for the designation of an ad-  
14 visory council, which shall include representa-  
15 tives of nongovernmental organizations or  
16 groups, and of the relevant State or tribal agen-  
17 cies, that aided in the development of the plan  
18 and that will implement and monitor any grant  
19 awarded to the eligible entity under this section;

20                      “(D) in the case of an eligible entity that  
21 is a State, includes a copy of the State plan  
22 under section 1912(b) and section 1932(b);

23                      “(E)(i) includes a listing of the projects to  
24 be funded by the grant; and

“(ii) in the case of an eligible entity that is a State, explains how each listed project helps the State in accomplishing its goals and objectives under the Community Mental Health Services Block Grant under subpart I of part B of title XIX and the Substance Abuse Prevention and Treatment Block Grant under subpart II of such part;

“(F) includes assurances that the facilities will be used for a period of not less than 10 years for the provision of community-based mental health or substance abuse services for those who cannot pay for such services, subject to subsection (e); and

“(G) in the case of a facility that is not a public facility, includes the name and executive director of the entity who will provide services in the facility; and

“(2) with respect to each construction or modernization project described in the application—

“(A) a description of the site for the project;

“(B) plans and specifications for the project and State or tribal approval for the plans and specifications;

1           “(C) assurance that the title for the site is  
2           or will be vested with either the public entity or  
3           private nonprofit entity who will provide the  
4           services in the facility;

5           “(D) assurance that adequate financial re-  
6           sources will be available for the construction or  
7           major rehabilitation of the project and for the  
8           maintenance and operation of the facility;

9           “(E) estimates of the cost of the project;  
10          and

11          “(F) the estimated length of time for com-  
12          pletion of the project.

13          “(d) SUBGRANTS BY STATES.—

14               “(1) IN GENERAL.—A State that receives a  
15               grant under this section may award a subgrant to  
16               a qualified community program (as such term is  
17               used in section 1913(b)(1)).

18               “(2) USE OF FUNDS.—Subgrants awarded pur-  
19               suant to paragraph (1) may be used for activities  
20               such as—

21                   “(A) the construction, expansion, and mod-  
22                   ernization of facilities used to provide mental  
23                   health and substance abuse services to individ-  
24                   uals;

1           “(B) acquiring and leasing facilities and  
2           equipment (including paying the costs of amor-  
3           tizing the principal of, and paying the interest  
4           on, loans for such facilities and equipment) to  
5           support or further the operation of the sub-  
6           grantee;

7           “(C) the construction and structural modi-  
8           fication (including equipment acquisition) of fa-  
9           cilities to permit the integrated delivery of be-  
10          havioral health and primary care of specialty  
11          medical services to individuals with co-occurring  
12          mental illnesses and chronic medical or surgical  
13          diseases at a single service site; and

14          “(D) acquiring information technology re-  
15          quired to accommodate the clinical needs of pri-  
16          mary and specialty care professionals.

17          “(3) LIMITATION.—Not to exceed 15 percent of  
18          grant funds may be used for activities described in  
19          paragraph (2)(D).

20          “(e) REQUEST TO TRANSFER OBLIGATION.—An eli-  
21          gible entity that receives a grant under this section may  
22          submit a request to the Secretary for permission to trans-  
23          fer the 10-year obligation of facility use, as described in  
24          subsection (c)(1)(F), to another facility.

1       “(f) AGREEMENT TO FEDERAL SHARE.—As a condi-  
 2       tion of receipt of a grant under this section, an eligible  
 3       entity shall agree, with respect to the costs to be incurred  
 4       by the entity in carrying out the activities for which such  
 5       grant is awarded, that the entity will make available non-  
 6       Federal contributions (which may include State or local  
 7       funds, or funds from the qualified community program)  
 8       in an amount equal to not less than \$1 for every \$1 of  
 9       Federal funds provided under the grant.

10       “(g) REPORTING.—

11               “(1) REPORTING BY STATES.—During the 10-  
 12       year period referred to in subsection (c)(1)(F), the  
 13       Secretary shall require that a State that receives a  
 14       grant under this section submit, as part of the re-  
 15       port of the State required under the Community  
 16       Mental Health Services Block Grant under subpart  
 17       I of part B of title XIX and the Substance Abuse  
 18       Prevention and Treatment Block Grant under sub-  
 19       part II of such part, a description of the progress  
 20       on—

21               “(A) the projects carried out pursuant to  
 22       the grant under this section; and

23               “(B) the assurances that the facilities in-  
 24       volved continue to be used for the purpose for

1           which they were funded under such grant dur-  
2           ing such 10-year period.

3           “(2) REPORTING BY INDIAN TRIBES AND TRIB-  
4           AL ORGANIZATIONS.—The Secretary shall establish  
5           reporting requirements for Indian tribes and tribal  
6           organizations that receive a grant under this section.  
7           Such reporting requirements shall include that such  
8           Indian tribe or tribal organization provide a descrip-  
9           tion of the progress on—

10                 “(A) the projects carried out pursuant to  
11                 the grant under this section; and

12                 “(B) the assurances that the facilities in-  
13                 volved continue to be used for the purpose for  
14                 which they were funded under such grant dur-  
15                 ing the 10-year period referred to in subsection  
16                 (c)(1)(F).

17           “(h) FAILURE TO MEET OBLIGATIONS.—

18                 “(1) IN GENERAL.—If an eligible entity that re-  
19                 ceives a grant under this section fails to meet any  
20                 of the obligations of the entity required under this  
21                 section, the Secretary shall take appropriate steps,  
22                 which may include—

23                 “(A) requiring that the entity return the  
24                 unused portion of the funds awarded under this  
25                 section for the projects that are incomplete; and



1           “(B) extending the length of time that the  
2           entity must ensure that the facility involved is  
3           used for the purposes for which it is intended,  
4           as described in subsection (c)(1)(F).

5           “(2) HEARING.—Prior to requesting the return  
6           of the funds under paragraph (1)(B), the Secretary  
7           shall provide the entity notice and opportunity for a  
8           hearing.

9           “(i) COLLABORATION.—The Secretary may establish  
10          intergovernmental and interdepartmental memorandums  
11          of agreement as necessary to carry out this section.

12          “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
13          is authorized to be appropriated to carry out this section  
14          \$20,000,000 for fiscal year 2010 and such sums as may  
15          be necessary for each of fiscal years 2011 through 2013.”.

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